

TOWN OF WELLESLEY



**WARRANT
for the
ANNUAL TOWN MEETING**

**ELECTION – March 7, 2006
BUSINESS MEETING – March 27, 2006**

**PLANNING BOARD PUBLIC HEARING (WARRANT ARTICLES)
February 7, 2006, 7:30 P.M. at Town Hall**

**ADVISORY COMMITTEE PUBLIC HEARING (WARRANT ARTICLES)
February 8, 2006, 7:00 P.M. at Town Hall**

Commonwealth of Massachusetts

Norfolk, ss.

To Terrence M. Cunningham, Chief of Police of the Town of Wellesley, in said County.

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify the qualified voters of said Town of Wellesley to meet in their respective voting places on March 7, 2006:

The voters of Precinct A, in Katherine Lee Bates School, 116 Elmwood Road;

The voters of Precinct B, in Isaac Sprague School, 401 School Street;

The voters of Precinct C, in Ernest F. Upham School, 35 Wynnewood Street;

The voters of Precinct D, in Otho L. Schofield School, 27 Cedar Street;

The voters of Precinct E, in Joseph E. Fiske School, 45 Hastings Street;

The voters of Precinct F, in Wellesley Senior High School, 50 Rice Street;

The voters of Precinct G, in Hunnewell School, 28 Cameron Street;

at 7:00 A.M., at which time the polls in said precincts will be opened and remain open continuously until 8:00 P.M. of said day when they will be closed, during which time aforesaid qualified voters of said Town may bring in their ballots to the Election Officers, duly appointed and sworn for said precincts of said Town of Wellesley, in said meetings so assembled for the following:

To cast their votes in the Town Election for the election of candidates for the following offices:

<u>OFFICE</u>	<u>VACANCIES</u>	<u>TERM</u>
Town Clerk	One	Three Year
Moderator	One	One Year
Board of Selectmen	Two	Three Years
Board of Public Works	One One	One Year Three Years
Board of Assessors	One	Three Years
Board of Health	One	Three Years
Housing Authority	One	Five Years
Trustees of Wellesley Free Library	Two One	Three Years One Year
Natural Resources Commission	Two	Three Years
Planning Board	One	Five Years
School Committee	Two	Three Years
Recreation Commission	Two	Three Years

and for **TOWN MEETING MEMBERS**, under the provision of Chapter 202 of the Acts of 1932, as amended.

You are further required to notify the qualified Town Meeting Members of said Town of Wellesley to meet in the

WELLESLEY SENIOR HIGH SCHOOL AUDITORIUM
Monday, March 27, 2006

at 7:30 P.M. at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with Chapter 202 of the Acts of 1932, as amended and subject to referendum provided thereby.

ARTICLE 1. To choose a Moderator to preside over said meeting.

(Board of Selectmen)

ARTICLE 2. To receive reports of town officers and committees, including the Annual Town Report, the Report to this Town Meeting of the Advisory Committee, and the Reports of the Board of Selectmen on the Five Year Capital Budget Program and the Town-Wide Financial Plan pursuant to Town Bylaw Sections 19.5.2 and 19.16 respectively; and discharge presently authorized special committees; or take any other action relative thereto.

(Board of Selectmen)

REVENUE ARTICLES

ARTICLE 3. To see what action the Town will take to establish new and/or amend current fees or other charges for services and programs provided to the public; or take any other action relative thereto.

(Board of Selectmen)

APPROPRIATIONS – OPERATING AND OUTLAY

ARTICLE 4. To see if the Town will vote to amend ARTICLE 31 of the Town Bylaws by making changes in Schedule A entitled "Job Classifications by Groups" which constitutes part of said Bylaws; or take any other action relative thereto.

(Human Resources Board)

ARTICLE 5. To see if the Town will vote to amend ARTICLE 31 of the Town Bylaws by making changes in Schedule B entitled "Salary Plan – Pay Schedule" established under Section 31.6, which constitutes part of said Bylaws; to raise and appropriate, or otherwise provide, money therefor; or take any other action relative thereto.

(Human Resources Board)

ARTICLE 6. To see if the Town will vote to amend ARTICLE 31 of the Town Bylaws by making changes in the appendix to the Classification and Salary Plans established under Sections 31.1 and 31.6 respectively, which constitutes part of said Bylaws; or take any other action relative thereto.

(Human Resources Board)

ARTICLE 7. To see what action the Town will take to fix the salary and compensation of all elected officials of the Town as provided by the General Laws Chapter 41, Section 108 as amended; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 8. To see what sums of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, or borrowing, for the following:

(a) for the operation of the several Town departments, including capital outlay, maturing debt and interest, and to provide for a Reserve Fund;

(b) for extraordinary maintenance, special capital projects and other capital outlay items for the several Town departments;

(c) for such purposes as may be voted contingent upon passage by the voters of referendum questions as authorized by the General Laws Chapter 59, Section 21c (m), as amended;

or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 9. To see what sum of money the Town will raise or appropriate, or otherwise provide, to the Board of Library Trustees for the operation of the branches; or take any other action relative thereto.

(Citizen Petition)

ARTICLE 10. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Municipal Light Board for the Municipal Light Plant; or take any other action relative thereto.

(Municipal Light Board)

ARTICLE 11. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Board of Public Works for the Water Program; or take any other action relative thereto.

(Board of Public Works)

ARTICLE 12. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Board of Public Works for the Sewer Program; or take any other action relative thereto.

(Board of Public Works)

ARTICLE 13. To act on the report of the Community Preservation Committee on the fiscal year 2007 community preservation budget and pursuant to the provisions of General Laws Chapter 44B to appropriate or reserve for later appropriation monies from Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the year; or take any other action relative thereto.

(Community Preservation Committee)

ARTICLE 14. To see if the Town will vote pursuant to Section 53E½ of Chapter 44 of the General Laws, as amended, to authorize the establishment of one or more revolving fund(s) for the purpose of funding the activities of certain departments of the Town; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 15. To see what sum of money the Town will raise and appropriate, or otherwise provide, including transfer from available funds, for one or more revolving fund(s) established by Town Meeting in accordance with the provisions of Section 53E½ of Chapter 44 of the General Laws; or take any other action relative thereto.

(Board of Selectmen)

APPROPRIATIONS – SPECIAL CAPITAL PROJECTS

ARTICLE 16. To see if the Town will vote to approve the project, proposed jointly by the Municipal Light Board and the Board of Public Works, to raze the existing garage whose space is currently being shared by the Municipal Light Plant and the Department of Public Works and construct (a) a new garage/warehouse for the MLP and (b) a new garage and office facilities for the DPW, including the Water and Sewer Divisions, and possibly other town departments, as follows:

- (a) A vote pursuant to Section 41 of Chapter 164 of the General Laws, or any other enabling authority, authorizing the MLP to construct a new MLP

garage/warehouse, and to raze the existing garage/warehouse; said action to be solely at the MLP's expense; and

(b) A vote to raise and appropriate, or otherwise provide, a sum of money for engineering services, plans and specifications, and for the construction of a new garage and office facilities for the DPW, including the Water and Sewer Divisions, and possibly other town departments; and to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer of available funds, including from either or both of the Water and Sewer enterprise funds; and

(c) If necessary to establish proper siting for both buildings, a vote pursuant to Section 15A of Chapter 40 of the General Laws transferring the care, custody, management and control of all or portion(s) of the land currently under the jurisdiction of the MLP and DPW respectively between the same departments;

a favorable vote under (a) and (b) above being required for the project to proceed;

or take any other action relative thereto.

(Municipal Light Plant / Board of Public Works)

ARTICLE 17. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Permanent Building Committee, for the construction, reconstruction, remodeling, rehabilitation and/or modernization of the electrical systems of the Department of Public Works Park/Highway Garages; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

(Board of Public Works)

ARTICLE 18. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Board of Public Works, for the cost of planning and engineering services, for plans and specifications, and for construction and/or reconstruction of drains, culverts, and drainage improvement systems within the Town of Wellesley; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

(Board of Public Works)

ARTICLE 19. To see what sum of money the Town will raise and appropriate, or otherwise provide for the cost of planning and engineering services, for plans and specifications, and for construction of a new salt/sand shed and/or the reconstruction, remodeling, rehabilitation and/or modernization of the existing salt/sand shed; to

determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

(Board of Public Works)

ARTICLE 20. To see what sum of money the Town will raise and appropriate, or otherwise provide, to the Recreation Commission, for the cost of planning and engineering services, for plans and specifications, and for construction, reconstruction, remodeling, rehabilitation and/or modernization of the Morses Pond dock; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

(Recreation Commission)

ARTICLE 21. To see what sum of money the Town will raise and appropriate, or otherwise provide to the Board of Public Works, Natural Resources Commission and/or Recreation Commission for the purpose of protecting, preserving, managing and improving Morses Pond, which may include but not be limited to the following: (a) rooted plant control; (b) phosphorus and sediment inactivation; (c) dredging; (d) watershed management and education; (e) Town bylaw review and enhancement; (f) low impact development, construction, and demonstration efforts; and (g) program implementation; to determine whether such sum will be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

**(Board of Public Works
Natural Resources Commission
Recreation Commission)**

ARTICLE 22. To see what sum of money the Town will raise and appropriate, or otherwise provide, in addition to the amount appropriated under Article 7 of the December 6, 2004 Special Town Meeting, for the architectural, engineering, and/or other professional services for the reconstruction, remodeling, and/or addition to the Wellesley Middle School, to accommodate the classroom and/or administrative needs of the School Department and/or other educational needs of the Town, and for the construction, reconstruction, remodeling, rehabilitation and/or modernization of the same, and for other services in connection therewith; to determine whether such sum shall be raised by taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

(School Committee)

ARTICLE 23. To see what sum of money the Town will raise and appropriate, or otherwise provide, for the acquisition, by purchase, lease or otherwise, of modular classrooms, including necessary architectural, engineering, site preparation and any other services connected therewith; to determine whether such sum shall be raised by

taxation, through borrowing and/or by transfer from available funds; or take any other action relative thereto.

(School Committee)

ARTICLE 24. To see what sum of money the Town will raise and appropriate, or otherwise provide, for architectural, engineering and/or other services for plans and specifications for a new High School building or for the reconstruction, remodeling, and/or addition to the existing High School, to accommodate the classroom and/or administrative needs of the School Department and/or other educational needs of the Town; and for the construction, reconstruction, remodeling, rehabilitation and/or modernization of the same; and for other services in connection therewith; to determine whether such sum shall be raised by taxation, through borrowing or otherwise; and to authorize the Selectmen to petition the Commonwealth of Massachusetts for a construction grant, if available, under the provisions of Chapter 70B of the General Laws as amended by Chapter 208 of the Acts of 2004, or other authority; or take any other action relative thereto.

(School Committee)

AUTHORIZATIONS

ARTICLE 25. To see if the Town will vote pursuant to Section 4A of Chapter 40 of the General Laws to authorize the Board of Health to enter into an Inter-Municipal Aid Agreement with one or more other municipalities to provide jointly certain public health services; copies of said agreement being on file in the offices of the Board of Health and the Town Clerk; or take any other action relative thereto.

(Board of Health)

ARTICLE 26. To see if the Town will vote to accept Section 21A1/2 of Chapter 59 of the General Laws, thereby providing that additional compensation in a sum equal to ten percent of regular compensation be paid to a Town employee who is an assessor or assistant assessor and who, after study, qualifies as a certified assessment evaluator and/or a certified Massachusetts assessor; or take any other action relative thereto.

(Board of Assessors)

ARTICLE 27. To see if the Town will vote to approve the following actions of the Retirement Board:

- a. said Board's acceptance of the provisions of paragraph (e) of subdivision 2 of Section 7 of Chapter 32 of the General Laws, added by Chapter 157

of the Acts of 2005, thereby providing certain qualifying veterans with an additional yearly retirement allowance; and

- b. said Board's acceptance of the provisions of Section 2 of said Chapter 157 of the Acts of 2005, thereby providing certain qualifying veterans to receive said additional yearly allowance retroactively;

or take any other action relative thereto.

(Retirement Board)

ARTICLE 28. To see if the Town will vote to grant, accept and/or abandon one or more easements, including but not limited to utility and drainage easements, at one or more locations in the Town; or take any other action relative thereto.

(Board of Public Works)

ARTICLE 29. To see if the Town will vote to accept Section 18 of Chapter 32B of the General Laws, the effect of which would be to require that all Town retirees, their spouses and dependents who are enrolled in or eligible to be enrolled in Medicare Part A at no cost to them, their spouse or dependents, enroll in a Medicare health benefits supplement plan offered by the Town; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 30. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for Home Rule legislation authorizing the Town to raise and appropriate, or otherwise provide, money to pre-fund some portion of the Town's liability for Postemployment Benefits Other Than Pensions (OPEB) through a temporary levy limit override or exclusion, or such other funding approach as the Town should choose; provided that said funding shall be contingent upon the passage of a referendum question under Section 21C of Chapter 59 of the General Laws authorizing said appropriation to be raised in excess of the Proposition 2 ½ limits; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 31. To see what action the Town will take on the report of the committee appointed to study the disposition of the Kepes Panels; to raise and appropriate, or otherwise provide, a sum of money in connection therewith; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 32. To see if the Town will vote

(a) to acquire by exchange, purchase, eminent domain, gift or otherwise, for parkland purposes, a portion of the parcel of land commonly referred to as 19 Clovelly Road now or formerly owned by Dr. James and Pamela Broderick containing approximately 1320 square feet, as shown on a plan entitled "Plan of Land at 19 Clovelly Road, Wellesley Massachusetts showing proposed land exchange with the Town of Wellesley", prepared by Frank Iebba, Land Surveyor, dated December 15, 2005, scale 1" = 30'; a copy of which is on file in the Office of the Town Clerk; and

(b) in exchange for this acquisition, to convey a certain portion of the Town-owned Caroline Brook/Fuller Brook parkland, as shown on said plan, containing approximately 1200 square feet; the result of said exchange to correct an encroachment of private property onto Town-owned parkland and will allow for a net gain to the Town of approximately 120 square feet of parkland; and

(c) to authorize the Board of Selectmen to petition the General Court for authorization to complete this exchange;

or take any action relative thereto.

(Citizen Petition)

AMEND ZONING BYLAW

ARTICLE 33. To see if the Town will vote to amend the Zoning Bylaws and the Zoning Map by establishing as a Business District land now in part within a Business District, in part within an Industrial District and in part within a General Residence, the land shown on Assessors Sheet 123, Lot 56 known as 139 Linden Street and further described in a deed recorded in the Norfolk County Registry of Deeds at Book: 8186, Page: 611. Said lot containing 17,646 square feet of land; or take any other action relative thereto.

(Citizen Petition)

STREET ACCEPTANCES

ARTICLE 34. To see if the Town will vote to accept as a public way (without betterments) the following street as laid out by the Board of Selectmen: Stonefield Lane, as shown on a plan on file in the Office of the Town Clerk entitled "Stonefield Lane Street Acceptance Plan" drawn by GLM Engineering Consultants, Inc., dated June 8, 2005; to raise and appropriate money therefor, or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 35. To see if the Town will vote to accept as a public way (with betterments) the following street as laid out by the Board of Selectmen: Partridge Road, as shown on a plan on file in the Office of the Town Clerk entitled "Partridge Road Street Acceptance Plan" drawn by Stephen S. Fader, Town Engineer, dated December 29, 2005; to raise and appropriate money therefor, or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 36. To see if the Town will vote to accept as a public way (with betterments) the following street as laid out by the Board of Selectmen: Woodside Avenue, as shown on a plan on file in the Office of the Town Clerk entitled "Woodside Avenue Street Acceptance Plan" drawn by Stephen S. Fader, Town Engineer, dated December 29, 2005; to raise and appropriate money therefor, or take any other action relative thereto.

(Board of Selectmen)

AMEND TOWN BYLAWS

ARTICLE 37. To see if the Town will vote to amend the Town Bylaws, Article 49. Police Regulations, Section 49.5, Ice and Snow on Streets., to clarify that it is impermissible to plow or shovel, lay, throw or place, or cause to be laid, thrown or placed (either by one's own action or by the actions of a plowing contractor or other agent) any ice or snow on any street or sidewalk in the Town; or take any other action relative thereto.

(Board of Public Works)

ARTICLE 38. To see if the Town will vote to increase the membership on the Historical Commission from the present five to seven members by amending the Town Bylaws, Article 17. Historical Commission, Section 17.1, Membership, by striking the word "five" and substituting therefor the word "seven" so that said Section shall read as follows: "The Town shall have an Historical Commission consisting of seven residents appointed by the Selectmen."; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 39. To see if the Town will authorize the Permanent Building Committee to oversee MLP building projects by amending the Town Bylaws, Article 14. Permanent

Building Committee, Section 14.1. Definitions., subparagraph a., by striking that portion of subparagraph a. which begins "It does not include" and substituting therefor the following:

"It [the term "project"] does not include:

substations or other structures or any of the service equipment thereof of the Municipal Light Plant, but the term "project" shall include buildings of said plant;

buildings of the Housing Authority;

public works such as sewers, streets and the like, including those uninhabited buildings and other structures used exclusively in connection therewith; and

routine maintenance and upkeep of a building or other structure and its service equipment which are performed on a regular basis.";

or take any other action relative thereto.

(Municipal Light Board)

ARTICLE 40. To see if the Town will vote to reduce the number of Library Trustees from the present 6 to 5, by amending the Town Bylaws, Article 36. Board of Trustees of the Wellesley Free Library, Section 36.1., Membership., by striking the word "six" and substituting therefor the word "five" so that said Section shall read as follows: "The Town shall have an elected Board of Trustees of the Wellesley Free Library consisting of five residents."; and to authorize the Board of Selectmen and said Board of Trustees to petition the General Court for Home Rule legislation authorizing the same; or take any other action relative thereto.

(Library Trustees)

ARTICLE 41. To see if the Town will vote to authorize an associate membership position on the Natural Resources Commission and to set the term of said position by amending the Town Bylaws, Article 43. Natural Resources Commission, as follows:

1. Section 43.2. Membership., by adding to the end of the first sentence the following: "and an associate member who shall be a resident appointed by the Board of Selectmen and Natural Resources Commission in joint session.";

2. Section 43.3. Term., by adding to the end of the first sentence the following: "The term of office of the associate member shall be two years.";

or take any other action relative thereto.

(Natural Resources)

ARTICLE 42. To see if the Town will vote to further regulate the preparation and/or retail sale of food or beverage by amending the Town Bylaws, Article 49. Police Regulations, by adding a new Section 49.2C Preparation and/or retail sale of food or beverage. to read substantially as follows:

49.2C Preparation and/or retail sale of food or beverage.

- (a) Unless otherwise licensed as a common victualler, no retail business establishment shall prepare and/or sell prepared food or beverage for "take out" unless the Board of Selectmen, upon such terms and condition as it may deem appropriate, has granted to the owner and/or operator of such retail business establishment a license under this bylaw.
- (b) The Board of Selectmen may adopt rules and regulations to govern the administration of the licensing process, and in so doing may impose such terms and conditions upon granting such license as it may consider to be appropriate.

and to authorize the Board of Selectmen to petition the General Court for Home Rule legislation authorizing the same, should said legislation be deemed necessary; or take any other action relative thereto.

(Board of Selectmen)

GENERAL

ARTICLE 43. To see what action the Town will take on the authorized and unissued loans including those identified in the list of same on file in the offices of the Board of Selectmen and Town Clerk; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 44. To see if the Town will vote, as authorized by Section 9 of Chapter 258 of the General Laws, to indemnify Town Board members, officers, officials and employees from personal financial loss and expenses, including legal fees and costs, if

any, in an amount not to exceed one million dollars, arising out of any claim, action, award, compromise, settlement or judgment by reason of an intentional tort, or by reason of any act or omission which constitutes a violation of the civil rights of any person under any federal or state law, if such employee or official is acting within the scope of his official duties or employment; and to raise and appropriate or otherwise provide money victullar; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 45. To see what sum of money the Town will raise and appropriate, or otherwise provide, for the Stabilization Fund pursuant to the provisions of Section 5B of Chapter 40 of the General Laws, as amended; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 46. To see what sum of money the Town will raise and appropriate, or otherwise provide, for expenses incurred by Town departments prior to July 1, 2005; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 47. To see what sum of money the Town will authorize the Board of Selectmen to pay in settlement of claims, actions and proceedings against the Town; to raise and appropriate or otherwise provide monies therefor; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 48. To see what action the Town will take to authorize the disposal of tangible Town property having a value in excess of \$10,000; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 49. To see if the Town will authorize the Board of Selectmen to appoint one or more of their number as fire engineer; or take any other action relative thereto.

(Board of Selectmen)

ARTICLE 50. To see if the Town will vote to authorize the Board of Assessors to use any monies paid to the Town from the Wellesley Municipal Light Plant as an estimated receipt when computing the Fiscal Year 2007 Tax Rate; or take any other action relative thereto.

(Board of Selectmen)

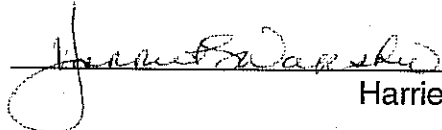
ARTICLE 51. To see how the Town will vote to raise money appropriated under any of the above articles; or take any other action relative thereto.

(Board of Selectmen)

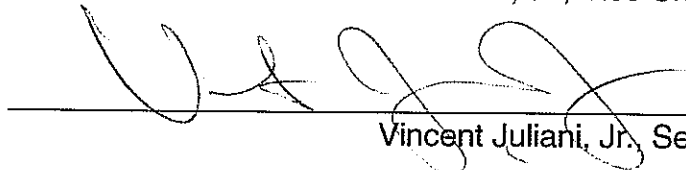
And you are directed to serve this Warrant by posting attested copies in not less than two conspicuous places in the Town and by publishing a copy in a newspaper in the Town at least seven days before the date on which the meeting is to be held.

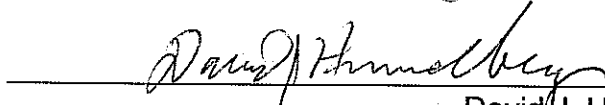
Hereof fail not and make due return of this Warrant and your doings thereon unto the Town Clerk at or before the time of holding said meeting.

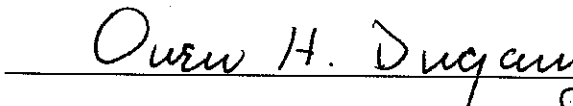
Given under our hands this 17th of January, 2006


Harriet S. Warshaw, Chairman


Katherine L. Babson, Jr., Vice Chairman


Vincent Juliani, Jr., Secretary


David J. Himmelberger


Owen H. Dugan

A true copy, _____
Attest: Terrence M. Cunningham
Chief of Police

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss. Wellesley, MA January ___, 2006

I have this date caused the within warrant to be served by posting two copies in two conspicuous places in the Town, i.e., the Town Hall and Wellesley Square, and printing the warrant in *The Wellesley Townsman* on _____.

Terrence M. Cunningham, Chief of Police
Town of Wellesley